

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1107 of 1983

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

BHARATBHAI DELATRAI DESAI

Versus

BALWANTARI RATANJI DESAI

Appearance:

MR PV NANAVATI for Petitioners

MR VC DESAI for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 24/12/1999

ORAL JUDGEMENT

1. This is a revision under section 29(2) of the Bombay Rent Act at the instance of the original defendant-tenant.
2. The landlord-plaintiff sued the defendant-tenant

on the ground that he required the suit premises for personal bonafide use, which was contested by the defendant on various grounds. The trial court found that the plaintiff-landlord has established his reasonable bonafide requirements, but on the question of relative hardship the trial court also found that only a decree for partial eviction of the rented premises is justified. Consequently the defendant-tenant was required to handover the vacant possession of only first floor of the suit premises.

3. The tenant being aggrieved by the said judgement and decree of the trial court preferred an appeal under section 29(1) of the Bombay Rent Act, which came to be dismissed. Hence the present revision.

4. By now it is a well settled principle of law that the scope of revision under section 29(2) of the Bombay Rent Act is not significantly different or significantly larger than that of a court exercising power under section 115, CPC, that concurrent findings of fact cannot be casually disturbed and that the revisional court is not justified in taking a different view on the facts and on the appreciation of the evidence on record, merely because another view may just be possible. The only justification for interference in such a revision would be where the lower courts have interpreted the evidentiary material on record in a perverse manner, or in a manner which no ordinary prudent person would do.

5. On the facts of the case Mr. P.V. Nanavati, learned counsel for the petitioners herein, has taken me in considerable detail through both the judgements in question. He has also referred extensively the various documentary and oral evidence on the record of the case. However, as a result of this entire exercise he is unable to persuade me that the appreciation of evidence on the part of the courts below was in any way perverse, or that no reasonable court could have come to the conclusion arrived at on such evidentiary material. He has also failed to satisfy me that the evidentiary material including the documentary and oral evidence on record would justify any findings other than those recorded by the trial court and confirmed by the lower appellate court.

6. I am, therefore, satisfied that there is no justification for interfering in the present revision on the facts of the case. Apart from the appreciation of evidence on record there is no question of law involved.

7. In the premises aforesaid there is no substance in the present revision and the same is, therefore, dismissed. Rule is discharged with no order as to costs. Interim relief, if any, stands vacated.
